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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

AARON D. LEVEY REVOCABLE LIVING  
TRUST; JOEL LEVEY; WENDY KAPNER; and  
SANDRA MOORE,

Defendants.

Adv. Pro. No. 10-04894 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF SPECIFIC DEFENDANT WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Joel R. Levey (“Defendant”), by and through his counsel, Wachtel Missry LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed the Complaint against Defendant. The Complaint was served on March 14, 2011.

2. On June 20, 2011, Defendant filed an answer to the Complaint.

3. On June 17, 2015, the parties engaged in mediation.

4. On February 16, 2016, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181].

5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendant in the above-captioned adversary proceeding and dismissing the adversary proceeding as to Defendant without prejudice.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. Upon dismissal of Defendant, the caption of the adversary proceeding is hereby amended to delete Defendant from the caption. The amended caption of the adversary proceeding shall appear as indicated in Exhibit A to this Stipulation and Order.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: August 25, 2017

**BAKER & HOSTETLER LLP**

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*Attorneys for Plaintiff Irving H. Picard, Trustee for  
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Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**WACHTEL MISSRY LLP**

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*Attorneys for Defendant Joel R. Levey*

**SO ORDERED**

**Dated: August 25<sup>th</sup>, 2017  
New York, New York**

/s/ STUART M. BERNSTEIN  
**HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE**

**Exhibit A**

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